

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GENEITHE EDWARDS,

Plaintiff,

v.

CHASE BANK USA, N.A.,

Defendant.

Case No. 3:16-CV-00946-RPC

**DEFENDANT JPMORGAN CHASE BANK, N.A.’S PARTIAL MOTION TO
DISMISS AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant JPMorgan Chase Bank, N.A. (“Chase”) hereby moves this Court for an order dismissing in part the Amended Complaint filed by Plaintiff Geneithe Edwards.¹ In particular, Chase respectfully requests that the Court dismiss as a matter of law the Amended Complaint to the extent it seeks relief arising out of alleged telephone calls to Plaintiff’s residential telephone line, because such claims

¹ Because this is a partial motion to dismiss, Chase will file a responsive pleading to any remaining allegations in the Amended Complaint within fourteen days of this Court’s ruling in accordance with Federal Rule of Civil Procedure 12(a)(4) , or as otherwise directed by the Court. *See, e.g., Circuit City Stores, Inc. v. Citgo Petroleum Corp.*, No. 92CV-7394, 1994 WL 483463, at *4 (E.D. Pa. Sept. 7, 1994) (“[A] partial 12(b) motion enlarges the time to file an answer.”) (attached at Ex. A to Brief); *Godlewski v. Affiliated Computer Servs., Inc.*, 210 F.R.D. 571, 572 (E.D. Va. 2002) (“A majority of courts . . . hold that the filing of a motion that only addresses part of a complaint suspends the time to respond to the entire complaint, not just to the claims that are the subject of the motion.”).

are exempt from liability under the Telephone Consumer Protection Act (“TCPA”). The grounds for this Motion are set forth more fully in the accompanying Brief, which is incorporated by reference herein.

The undersigned hereby certifies pursuant to LR 7.1 that counsel for Chase reached out to Plaintiff’s counsel on several occasions during the week prior to filing this motion to try to seek concurrence. Chase’s counsel did not receive a response.

August 30, 2016

Respectfully submitted,

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* *pro hac vice* application pending

*Counsel for Defendant JPMorgan
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CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, the foregoing Defendant JPMorgan Chase Bank, N.A.'s Partial Motion to Dismiss Amended Complaint was electronically filed, and such documents are available for viewing and download on the Court's ECF system. The following parties received electronic service through the ECF system:

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Date: August 30, 2016

s/ Stephen A. Loney, Jr.